

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 20, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE ITEM - SUP-20608 - APPLICANT: CASHBACK -
OWNER: DURANGO & CENTENNIAL, LLC**

***THIS ITEM WAS HELD IN ABEYANCE FROM THE JUNE 6, 2007 CITY COUNCIL
MEETING AT THE REQUEST OF THE APPLICANT.***

**** CONDITIONS ****

The Planning Commission (6-0-1/sd vote) and staff recommend DENIAL.

Planning and Development

1. Conformance to the conditions for Rezoning [ZON-0076-98(18)], and Site Development Plan Review (SDR-9825) if approved.
2. This approval shall be void two years from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

Request for a Special Use Permit for an Auto Title Loan establishment and Financial Institution-Specified, and a Waiver to allow 1,070 square feet of floor space where 1,500 square feet is the minimum square footage required, at 6441 North Durango Drive, Suite #120.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/07/98	The City Council approved a Rezoning (Z-0076-98) to T-C (Town Center) on the subject property as part of a larger request. The Planning Commission and Staff recommended approval.
12/18/2002	The City Council approved a request for an Extension of Time (EOT-1028) of an approved Site Development Plan Review which allowed a 8,144 square foot commercial development on 2.19 acres adjacent to the northwest corner of Centennial Parkway and El Capitan Way [Proposed: Durango Drive alignment].
12/18/2002	The City Council approved a request for an Extension of Time (EOT-1036) of an approved Special Use Permit which allowed a restaurant with drive-through adjacent to the northwest corner of Centennial Parkway and El Capitan Way [Proposed: Durango Drive alignment].
12/18/2002	The City Council approved a request for an Extension of Time (EOT-1037) of an approved Special Use Permit which allowed restricted gaming in conjunction with a convenience store adjacent to the northwest corner of Centennial Parkway and El Capitan Way [Proposed: Durango Drive alignment].
12/18/2002	The City Council approved a request for an Extension of Time (EOT-1038) of an approved Special Use Permit which allowed the sale of packaged liquor for off-premise consumption in conjunction with a convenience store adjacent to the northwest corner of Centennial Parkway and El Capitan Way [Proposed: Durango Drive alignment].
12/18/2002	The City Council approved a request for an Extension of Time (EOT-1039) of an approved Special Use Permit which allowed fuel pumps in conjunction with convenience store adjacent to the northwest corner of Centennial Parkway and El Capitan Way [Proposed: Durango Drive alignment].
11/17/2004	The City Council approved a request for an Extension of Time (EOT-5436) of an approved Site Development Plan Review [Z-0076-98(18)] which allowed an 8,144 square foot commercial development on 2.19 acres adjacent to the northwest corner of Centennial Parkway and Durango Drive.

11/17/2004	The City Council approved a request for an Extension of Time (EOT-5437) of an approved Special Use Permit (U-0116-00) which allowed a restaurant with drive-through on 2.19 acres adjacent to the northwest corner of Centennial Parkway and Durango Drive.
11/17/2004	The City Council approved a request for an Extension of Time (EOT-5438) of an approved Special Use Permit (U-0161-00) which allowed restricted gaming in conjunction with a convenience store on 2.19 acres adjacent to the northwest corner of Centennial Parkway and Durango Drive.
11/17/2004	The City Council approved a request for an Extension of Time (EOT-5439) of an approved Special Use Permit (U-0115-00) which allowed the sale of packaged liquor for off-premise consumption in conjunction with a convenience store on 2.19 acres adjacent to the northwest corner of Centennial Parkway and Durango Drive.
11/17/2004	The City Council approved a request for an Extension of Time (EOT-5440) of an approved Special Use Permit (U-0114-00) which allowed fuel pumps in conjunction with a proposed convenience store on 2.19 acres adjacent to the northwest corner of Centennial Parkway and Durango Drive.
12/01/05	The Planning Commission approved a Site Development Plan Review for a proposed 18,000 square foot retail development and waivers of the Town Center Development Standards for building placement and the parking lot and perimeter landscaping requirements. Condition number one required all previously approved Special Use Permits on the subject site to be expunged.
06/07/2006	The City Council approved a request to Vacate (VAC-12542) a U.S. Government Patent Easement generally located at the northwest corner of Durango Drive and Centennial Parkway.
04/26/07	The Planning Commission voted 6-0-1/sd to recommend DENIAL (PC Agenda Item #82/lhm).
<i>Related Building Permits/Business Licenses</i>	
01/02/07	Retail Shell Building – Permit #7000405
01/29/07	Retail Shell Building C – Permit #7000406
04/03/07	TI Build out for C of O - Pending
<i>Pre-Application Meeting</i>	
02/27/07	Discussed application requirements and request of waiver of minimum interior square footage requirements.
<i>Neighborhood Meeting</i>	
N/A	A neighborhood meeting was not required, nor was one held.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	2.02
Net Acres	1.97

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Commercial	SC-TC (Service Commercial – Town Center)	TC (Town Center)
North	R.O.W. (CC215)	R.O.W. (CC215)	R.O.W. (CC215)
South	Undeveloped	Clark County	Clark County
East	Undeveloped	SC-TC (Service Commercial – Town Center)	T-C (Town Center)
West	Undeveloped	SC-TC (Service Commercial – Town Center)	T-C (Town Center)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
T-C Town Center District	X		Y
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District			Y or N
T-C (Town Center) District	X		Y
Trails		X	Y
Rural Preservation Overlay District		X	Y
Development Impact Notification Assessment		X	Y
Project of Regional Significance			Y or N

Town Center

The site is located within the Town Center Master Planned Community. The site is designated as (SC-TC) Service Commercial. The Service Commercial designation allows for the proposed retail commercial use.

DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	12,589 sf Retail	1/175	72	5	103	5	Y

	1260 sf Restaurant (public)	1/50	26				Y
	840 sf restaurant (prep areas)	1/200	5				Y
SubTotal							
TOTAL (including handicap)			103	5	103	5	Y
Loading Spaces					2 Loading zones		Y

Waivers		
Request	Requirement	Staff Recommendation
1,070 Square Feet	1,500 Minimum Square Footage	Denial

ANALYSIS

- Zoning**

The subject site is currently designated SC-TC (Service Commercial – Town Center) land uses. The Auto Title Loan use is permitted in that designation with the approval of a Special Use Permit. This application, if approved, will satisfy this requirement.

- Use**

An Auto Title Loan is defined by Title 19 as a business whose primary function is to lend money on the security of the title to a motor vehicle rather than on the security of the vehicle itself. An Auto Title Loan establishment is also permitted to provide services such as payday loans and check cashing typically associated with the Financial Institution, Specified or Check Cashing, Limited uses which fall below Auto Title Loan in the use hierarchy. An Auto Title Loan establishment may not provide the services of Auto Pawn or Pawn shop establishments, in which the Pawn shop takes possession of the pledged property, and are considered more intensive uses.

- Conditions**

Title 19.04.050 lists the following conditions for the Auto Title Loan use, adopted by City Council April 21, 2004.

1. The use shall comply with all applicable requirements of Title 6.
2. The building design and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area.
3. No temporary signs (as described in Title 19.14.090) such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a “grand opening” or that a business is “coming soon” may be approved administratively for a period not to exceed thirty days.
4. Window signs shall not:
 - a. Cover more than twenty percent (20%) of the area of all exterior windows;
 - b. Include flashing lights or neon lighting; or
5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.
6. The building or portion thereof that is dedicated to the use shall have a minimum size of one thousand five hundred (1,500) square feet, and shall have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as “teller” windows or desks).
7. No specified financial institution use may be located closer than two hundred (200) feet from any parcel used or zoned for residential use. In addition, no specified financial institution use may be located closer than one thousand feet from any other specified financial institution use, auto title loan use or pawn use. For purposes of this Paragraph (7), distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term “property line” refers to lines of fee interest parcels and not leasehold parcels.

The proposed use does not meet the required minimum square footage. The proposed floor plan is 1,070 square feet where a minimum area of 1,500 square feet is required. The subject site is located 331 feet from the nearest residential use where a minimum distance separation of 200 feet is required, and the nearest financial institution is more than the required minimum separation distance of 1,000 feet away.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Auto Title Loan use is located in an approved pad site under construction in an existing shopping center. The amount of square footage provided for the business is approximately 500 square feet less than required, thus, it will be difficult to conduct the business in a manner that is harmonious and compatible with existing surrounding land uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The proposed site plan conforms to both the General Plan and the Title 19 land use designations for the site. The size of the proposed space for the Auto Title Loan, within the shopping center, does not meet the minimum 1500 square foot requirement of Title 19.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The subject site is served by Centennial Parkway and Durango Drive Boulevard, are 100-Foot Primary Arterials on the Master Plan of Streets and Highways, and of adequate capacity to serve the proposed use.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

This site will be subject to inspections and business licensing requirements and will not endanger the public health or general welfare.

5. **The use meets all of the applicable conditions per Title 19.04.**

The proposed use is not compliance with all conditions of Title 19.04. The site is 331 feet from the nearest residential use where a 200-foot minimum distance separation is required, and is more than 1,000-feet from the nearest Auto Title Loan or other Financial Institution Specified, where a 1,000-foot minimum distance separation is required, but the proposed space within the shopping center is only 1,070 square feet where 1,500 square feet is required. Therefore, staff recommends denial.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

3

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 129 by City Clerk

APPROVALS 0

PROTESTS 0